

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

SHANNON B. MORLEY,

Petitioner/
Defendant,

v.

UNITED STATES OF AMERICA,

Respondent/
Plaintiff.

NO. CR-01-0104-EFS
[NO CV-08-0163-EFS]

**ORDER CONSTRUING PETITIONER'S
HABEAS PETITION AND GRANTING
THE CONSTRUED MOTION TO AMEND
JUDGMENT**

Before the Court, without oral argument, is Shannon B. Morley's Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody. (Ct. Rec. 100.) Mr. Morley asks the Court to require the Bureau of Prisons to credit him for time served while under a federal detainer. Although the Court finds a habeas petition is the improper vehicle to request this relief, the Court grants the relief under Federal Rule of Criminal Procedure 36. The Court's failure to give Mr. Morley credit for time served while under a federal detainer was an oversight when preparing the Judgment (Ct. Rec. 71).¹

¹ Mr. Morley's habeas petition satisfies Rule 36's notice requirement.

1 Accordingly, **IT IS HEREBY ORDERED:**

2 1. Mr. Morley's Motion Under 28 U.S.C. § 2255 to Vacate, Set
3 Aside, or Correct Sentence by a Person in Federal Custody is **CONSTRUED**
4 as a Motion to Amend Judgment and is **GRANTED**.

5 2. The following language shall be added to the Judgment's "BOP
6 recommendations section" on page 2 (Ct. Rec 71): "Defendant shall receive
7 credit for all time spent in custody from the date the federal detainer
8 was in place until the date of this sentence, specifically 10-15-2002
9 until 09-04-2003.

10 3. The civil and criminal cases shall be **CLOSED**.

11 **IT IS SO ORDERED.** The District Court Executive is directed to

12 (A) Enter this Order; and

13 (B) Provide a copy to Petitioner, counsel, and to the Bureau of
14 Prisons FCI Sheridan (FCI Sheridan, Federal Correctional Institution,
15 P.O. Box 8000, Sheridan, OR 97378).

16 **DATED** this 12th day of September 2008.

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18 S/ Edward F. Shea
19 EDWARD F. SHEA
United States District Judge

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